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Memo

To: Flathead County Planning Board

From: BJ Grieve, Planning Director

Date: February 24, 2015

Subject: Text amendment to Flathead County Lake and Lakeshore Protection Regulations

At the January 14, 2015 regular meeting, the Planning Board instructed planning staff to prepare a text amendment to Section 1.4 of the Flathead County Lake and Lakeshore Protection regulations to add Whitefish and Lost Coon Lakes to the list of lakes over which the regulations have jurisdiction (and add a value for mean high water elevations and clarification that county jurisdiction is from the low water mark up) and schedule a public hearing on the amendments for the March 11, 2015 regular meeting.

At the February 11, 2015 workshop, the Planning Board was provided a copy of a February 05, 2015 “Whitefish Lake Elevation Analysis” by the Whitefish Lake Institute that details historic low water, high water and corresponding mean values. After discussion, the Planning Board instructed planning staff to use the mean annual high water elevation calculated in the analysis and the 1967 low water elevation found in the data upon which the analysis was based for a low water mark elevation (both the analysis and the spreadsheet with the raw data are included in your packet).

Attached to this cover letter is a copy of the Flathead County Lake and Lakeshore Protection Regulations showing the proposed text amendments to Section 1.4. Margin notes are included to explain the basis for the proposed changes.

The attached proposed text amendments were posted to the Flathead County Planning and Zoning Office’s website (under both “Draft Documents” and under “Meeting Information”) on Friday, February 20, 2015. Legal notice of the March 11, 2015 Planning Board public hearing appeared in the Daily Interlake on Sunday, February 22, 2015. All documents pertaining to the proposed text amendments, including the written analysis by the Whitefish Lake Institute and accompanying raw data in spreadsheet format have been available for public inspection in the Flathead County Planning and Zoning Office.

A request for agency comment on Whitefish Lake low water elevations and corresponding jurisdictional claims was emailed to Whitefish Planning Director David Taylor and Whitefish Mayor John Muhlfeld on February 09, 2015 but no response has been received as of this date. On February 23, 2015, a copy of the

proposed text amendments, the Whitefish Lake Institute's Whitefish Lake Elevation Analysis, the spreadsheet containing the raw data and a legal notice of the public hearing was emailed directly to:

- David Taylor, Whitefish Planning Director,
- Anne Moran, Montana DNRC
- Christie Hollenbeck, Montana DNRC
- Dave Landstrom, Montana Fish, Wildlife and Parks

No agency comments on the proposed text amendments have been received as of February 24, 2015 at 5:00 p.m. Information regarding Whitefish's annexation of the lake has been submitted by Dave Taylor, and an opinion on Whitefish Lake elevations has been provided by David Randall, Deputy Flathead County Attorney. Both of these documents have been forwarded to you in your packets. No other public comments on the proposed text amendments have been received by our office through 5:00 pm on 02/24/15. Any comments submitted between that time and the hearing will be copied and provided to you at the hearing.